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5 **UNITED STATES DISTRICT COURT**

6 **EASTERN DISTRICT OF WASHINGTON**

7 ROBERT TODD APPLGATE,

No. 4:16-CV-05059-FVS

8 Plaintiff,

ORDER ADOPTING REPORT AND
RECOMMENDATION TO GRANT
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND
DENY DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

9 vs.

10 COMMISSIONER OF SOCIAL

11 SECURITY

12 Defendant.

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14 **BEFORE THE COURT** is the Report and Recommendation issued by
15 Magistrate Judge Mary K. Dimke on August 14, 2017, ECF No. 20, recommending
16 Plaintiff's Motion for Summary Judgment, ECF No. 13, be granted and
17 Defendant's Motion for Summary Judgment, ECF No. 16, be denied. No objection
18 was filed. After review, the Court hereby adopts the Report and Recommendation
19 in its entirety. Accordingly, **IT IS ORDERED:**

20 1. The Report and Recommendation, **ECF No. 20**, is **ADOPTED** in its
entirety.

1 2. Plaintiff's Motion for Summary Judgment, **ECF No. 13**, is
2 **GRANTED.**

3 3. Defendant's Motion for Summary Judgment, **ECF No. 16**, is
4 **DENIED.**

5 4. An application for attorney fees may be filed by separate motion.

6 The District Court Executive is directed to file this Order and forward copies
7 to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED.**

8 DATED August 30, 2017.

9 s/Fred Van Sickle
10 Fred Van Sickle
 Senior United States District Judge